



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,891	01/16/2002	Samuel L. Ingalls	040898004US	7918
25096	7590	03/23/2004	EXAMINER	
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	8
DATE MAILED: 03/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,891

Applicant(s)

INGALLS, SAMUEL L.

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 73, 76-84 and 99-105 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 73, 76-84 and 99-105 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention including the score lines on the outer tube outer surface specified in claims 13, and or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. Claims 14, 18, 22, and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Shuert (5279423). Shuert teaches the scoring of first and second scores on the first panels 73, and 3rd and 4th scores on the second panels 71 in Figs. 15 and 16. Gillard teaches the scoring of first and second scores at 19 and 20.
3. Claims 14, 18, 21, 22, and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (6138903). Baker teaches and outer laminate having two outer panels at 15 with compressed score lines, an inner laminate 12 with third and fourth compressed score lines as shown in Fig. 6.

Claim Rejections - 35 USC § 103

4. Claims 14, 15, 18-21, 73, 76-81, 83, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland in view of Baker (6138903) or Gillard (4601407). McFarland teaches and outer laminate having two outer panels at 10 with score lines, an inner laminate 96 with 1st and 2nd inner panels with third and fourth score lines 46 and 44. It is noted that the score

Art Unit: 3727

lines have the functionality of compressing the layers at the corner along the fold line (i.e. each of the fold lines is compressed).

Either Baker or Gillard teaches that it is known in the art to provide compressed foldlines. It would have been obvious to one of ordinary skill in the art to provide compressed fold lines in McFarland in either Baker or Gillard to provide added support at the corner and/or to allow the container to be easily collapsed.

With respect to 19, with respect to the offset distance being determined based on the outer side panel thickness, it is submitted that the method of determine the offset distance does not read over the container in McFarland. In other words, the 1st offset distance being greater than the 2nd offset distance regardless of the method being utilized.

Regarding claim 20, it would have been obvious to one of ordinary skill in the art to provide the container with the distance as set forth to provide the desired offset distance of the container.

Regarding claim 21, the first, second, third and fourth score lines are formed on the inner surfaces of both the inner and outer tubes as shown in Fig. 7.

Regarding claim 83, it would have been obvious to one of ordinary skill in the art to provide the double wall corrugated material in McFarland to provide the desired material for the container.

5. Claims 1-12, 16, 17, 82, and 99-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over the McFarland rejections as set forth in paragraphs 3, and further in view of Shuert (5279423). Shuert teaches that it is known in the art to provide a container with outer and inner panels with each panel having at least three corrugated panels. It would have been obvious

Art Unit: 3727

to one of ordinary skill in the art to provide at least three double wall corrugated panels (Figs.

11F and H) in either outer and inner panels in McFarland to provide added strength.

Furthermore, it is noted that it would have been obvious to a person having ordinary skill in the art to duplicate parts for a multiplied effect (St. Regis Paper Co. v. Bemis Co., Inc.) 193 USPQ 8, 11 (7th Cir. 1977).

Regarding claim 103, it would have been obvious to one of ordinary skill in the art to provide at least four outer side panels to provide added strength for the container.

McFarland teaches a container with an outer tube 10 having at least four outer side panels, and corners with first and second score lines 46 and 44, an inner tube portion 96 having at least four inner side panel, and corners with third and fourth score lines 44 and 46 as shown in Fig. 7.

It would have been obvious to one of ordinary skill in the art to provide either double side or triple sided corrugated boards to provide the desired material for the container.

It is noted two gaps between the outer and inner layers.

6. Claims 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the McFarland rejections as set forth in paragraphs 1, 3, and 6, and further in view of Shuert. It would have been obvious to one of ordinary skill in the art to provide the scores on the outer surface in McFarland as taught by Shuert to provide the desired location for making the corner.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3727

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

T.M.